



SECTOR 8

PATENT  
Attorney Docket No. DVS-007 (2516/8)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Gaudreau et al.

SERIAL NO.: 09/479,982 GROUP NO.: 2817

FILING DATE: January 10, 2000 EXAMINER: Not yet assigned

TITLE: HIGH POWER MODULATOR

**CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8**

I hereby certify that this correspondence, and any document(s) referred to as enclosed herein, is/are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Assistant Commissioner for Patents, Washington, DC 20231 on this 28th day of April, 2000.

Marianne Wetzonis

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Submitted herewith is/are:

Transmittal Form (1 page);  
Fee Transmittal (1 page);  
Copy of Notice to File Missing Parts of Nonprovisional Application (1 page);  
Response to Notice to File Missing Parts of Nonprovisional Application and  
Request for Correction to the Filing Receipt (1 page);  
Small Entity Status (1 page);  
Declaration and Power of Attorney for Utility or Design Patent Application  
(4 pages);  
Copy of the Filing Receipt;  
Check for \$575 (filing fee and surcharge); and  
Return Postcard.



# TRANSMITTAL FORM

Application Serial Number	09/479,982
Filing Date	January 10, 2000
First Named Inventor	Gaudreau et al.
Group Art Unit	2817
Examiner Name	Not yet assigned
Attorney Docket No.	DVS-007 (2516/8)

## ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Check Attached (basic filing fee and surcharge)</li> <li><input type="checkbox"/> Copy of Fee Transmittal Form</li> </ul>	<input checked="" type="checkbox"/> Copy of Notice to File Missing Parts of Application (PTO-1553) <ul style="list-style-type: none"> <li><input type="checkbox"/> Formal Drawing(s)</li> </ul>	<input type="checkbox"/> Appeal Communication to Board of Patent Appeals and Interferences
<input type="checkbox"/> Amendment/Response <ul style="list-style-type: none"> <li><input type="checkbox"/> After Final</li> <li><input type="checkbox"/> Affidavits/declaration(s)</li> <li><input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets _____]</li> </ul>	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition to Convert to a Provisional Application <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Power of Attorney (Revocation of Prior Powers)</li> <li><input type="checkbox"/> Terminal Disclaimer</li> </ul>	<input type="checkbox"/> Appeal Communication to Group ( <i>Appeal Notice, Brief, Reply Brief</i> ) <ul style="list-style-type: none"> <li><input type="checkbox"/> Status Letter</li> </ul>
<input type="checkbox"/> Extension of Time Request	<input checked="" type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Small Entity Statement</li> <li><input type="checkbox"/> Request for Refund</li> <li><input type="checkbox"/> After Allowance Communication to Group</li> </ul>	<input checked="" type="checkbox"/> Return Receipt Postcard <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8</li> <li><input checked="" type="checkbox"/> Additional Enclosure(s) (<i>please identify below</i>)               <ul style="list-style-type: none"> <li>• Request for Correction to the Filing Receipt</li> <li>• Copy of Filing Receipt</li> </ul> </li> </ul>
<input type="checkbox"/> Information Disclosure Statement Form PTO-1449		
<input type="checkbox"/> Copies of IDS Citations		
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input checked="" type="checkbox"/> Response to Missing Parts/Incomplete Application		

## CORRESPONDENCE ADDRESS

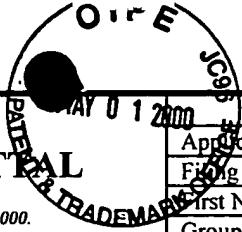
## SIGNATURE BLOCK

Direct all correspondence to: Patent Administrator  
 Testa, Hurwitz & Thibeault, LLP  
 High Street Tower  
 125 High Street  
 Boston, MA 02110  
 Tel. No.: (617) 248-7000  
 Fax No.: (617) 248-7100

Date: April 28, 2000  
 Reg. No. 35,393  
 Tel. No.: (617) 248-7374  
 Fax No.: (617) 248-7100

Respectfully submitted,

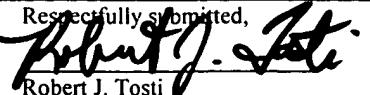
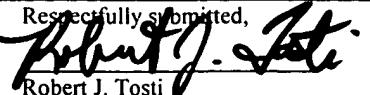
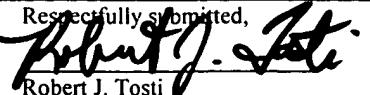
Robert J. Tost  
 Attorney for Applicant(s)  
 Testa, Hurwitz & Thibeault, LLP  
 High Street Tower  
 125 High Street  
 Boston, MA 02110



## FEE TRANSMIT~~AL~~

*Note: Effective January 10, 2000.  
Patent fees are subject to annual revision*

Complete if Known	
Application Serial Number	09/479,982
Filing Date	January 10, 2000
First Named Inventor	Marcel P.J. Gaudreau
Group Art Unit	2817
Examiner Name	Not Yet Assigned
Attorney Docket No.	DVS-007 (2516/8)

METHOD OF PAYMENT		FEE CALCULATION (continued)																																																																																																																																																																		
1. <input checked="" type="checkbox"/> Payment Enclosed: <input checked="" type="checkbox"/> Check <input type="checkbox"/> Money Order <input type="checkbox"/> Other		<b>3. ADDITIONAL FEES</b> <table border="1"> <thead> <tr> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>130</td> <td>65</td> <td>Surcharge - late filing fee or oath</td> <td>65.00</td> </tr> <tr> <td>50</td> <td>25</td> <td>Surcharge - late provisional filing fee or</td> <td></td> </tr> <tr> <td>130</td> <td>130</td> <td>Non-English specification</td> <td></td> </tr> <tr> <td>2,520</td> <td>2,520</td> <td>For filing a request for reexamination</td> <td></td> </tr> <tr> <td>110</td> <td>55</td> <td>Extension for reply within first month</td> <td></td> </tr> <tr> <td>380</td> <td>190</td> <td>Extension for reply within second month</td> <td></td> </tr> <tr> <td>870</td> <td>435</td> <td>Extension for reply within third month</td> <td></td> </tr> <tr> <td>1,360</td> <td>680</td> <td>Extension for reply within fourth month</td> <td></td> </tr> <tr> <td>1,850</td> <td>925</td> <td>Extension for reply within fifth month</td> <td></td> </tr> <tr> <td>300</td> <td>150</td> <td>Notice of Appeal</td> <td></td> </tr> <tr> <td>300</td> <td>150</td> <td>Filing a brief in support of an appeal</td> <td></td> </tr> <tr> <td>260</td> <td>130</td> <td>Request for oral hearing</td> <td></td> </tr> <tr> <td>130</td> <td>130</td> <td>Petitions to the Commissioner</td> <td></td> </tr> <tr> <td>50</td> <td>50</td> <td>Petitions related to provisional applications</td> <td></td> </tr> <tr> <td>Total Claims</td> <td>Number Filed 34</td> <td>Number Extra - 20 = 14</td> <td>Rate x \$ 18.00 =</td> <td>Amount 252.00</td> </tr> <tr> <td>Independent Claims</td> <td>4</td> <td>- 3 = 1</td> <td>x \$ 78.00 =</td> <td>78.00</td> </tr> <tr> <td colspan="2"><input type="checkbox"/> Multiple Dependent Claim(s), if any</td> <td>\$260.00 =</td> <td>0.00</td> <td></td> </tr> <tr> <td colspan="2"></td> <td>TOTAL:</td> <td>1,020.00</td> <td></td> </tr> <tr> <td colspan="2">SMALL ENTITY DISCOUNT:</td> <td>510.00</td> <td></td> <td></td> </tr> <tr> <td colspan="2">SUBTOTAL (1)</td> <td>(\$510.00)</td> <td></td> <td></td> </tr> <tr> <td colspan="2">2. AMENDMENT CLAIM FEES</td> <td colspan="3">SUBTOTAL (3) (\$ 65.00)</td> </tr> <tr> <td>Claims Remaining After Amend.</td> <td>Highest No. Previously Paid For</td> <td>Present Extra</td> <td>Rate</td> <td>Fee Paid</td> </tr> <tr> <td>Total Indep.</td> <td>- 20 = - =</td> <td></td> <td>x \$ 18.00 = x \$ 78.00 =</td> <td></td> </tr> <tr> <td colspan="2"><input type="checkbox"/> First Presentation of Multiple Dep. Claim</td> <td></td> <td>+ \$260.00 =</td> <td></td> </tr> <tr> <td colspan="2">TOTAL:</td> <td>(\$)</td> <td></td> <td></td> </tr> <tr> <td colspan="2">SMALL ENTITY DISCOUNT:</td> <td>(\$)</td> <td></td> <td></td> </tr> <tr> <td colspan="2">SUBTOTAL (2)</td> <td>(\$)</td> <td></td> <td></td> </tr> <tr> <td colspan="2"></td> <td></td> <td>SUBTOTAL (1) 510.00</td> <td></td> </tr> <tr> <td colspan="2"></td> <td></td> <td>SUBTOTAL (2) 65.00</td> <td></td> </tr> <tr> <td colspan="2"></td> <td></td> <td>SUBTOTAL (3) 65.00</td> <td></td> </tr> <tr> <td colspan="2"></td> <td></td> <td><b>TOTAL</b> (\$ 575.00)</td> <td></td> </tr> <tr> <th colspan="2">CORRESPONDENCE ADDRESS</th> <th colspan="3">SIGNATURE BLOCK</th> </tr> <tr> <td colspan="2">Direct all correspondence to:</td> <td colspan="3">           Respectfully submitted,          Robert J. Tosti          Attorney for the Applicants          Testa, Hurwitz &amp; Thibeault, LLP          High Street Tower-125 High Street          Boston, MA 02110          Tel. No.: (617) 248-7374          Fax No.: (617) 248-7100       </td> </tr> <tr> <td colspan="2">         Patent Administrator          Testa, Hurwitz &amp; Thibeault, LLP          High Street Tower-125 High Street          Boston, MA 02110          Tel. No.: (617) 248-7000          Fax No.: (617) 248-7100       </td> <td colspan="3">         Date: April 28, 2000          Reg. No.: 35,393          Tel. No.: (617) 248-7374          Fax No.: (617) 248-7100       </td> </tr> </tbody> </table>			Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid	130	65	Surcharge - late filing fee or oath	65.00	50	25	Surcharge - late provisional filing fee or		130	130	Non-English specification		2,520	2,520	For filing a request for reexamination		110	55	Extension for reply within first month		380	190	Extension for reply within second month		870	435	Extension for reply within third month		1,360	680	Extension for reply within fourth month		1,850	925	Extension for reply within fifth month		300	150	Notice of Appeal		300	150	Filing a brief in support of an appeal		260	130	Request for oral hearing		130	130	Petitions to the Commissioner		50	50	Petitions related to provisional applications		Total Claims	Number Filed 34	Number Extra - 20 = 14	Rate x \$ 18.00 =	Amount 252.00	Independent Claims	4	- 3 = 1	x \$ 78.00 =	78.00	<input type="checkbox"/> Multiple Dependent Claim(s), if any		\$260.00 =	0.00				TOTAL:	1,020.00		SMALL ENTITY DISCOUNT:		510.00			SUBTOTAL (1)		(\$510.00)			2. 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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: **Gaudreau et al.**

SERIAL NO.: **09/479,982** GROUP NO.: **2817**

FILING DATE: **January 10, 2000** EXAMINER: **Not yet assigned**

TITLE: **HIGH POWER MODULATOR**

Assistant Commissioner for Patents  
Washington, D.C. 20231  
Box Missing Parts -- Initial Patent Examination Division



**RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROV. APPLICATION**  
**AND**  
**REQUEST FOR CORRECTION TO THE FILING RECEIPT**

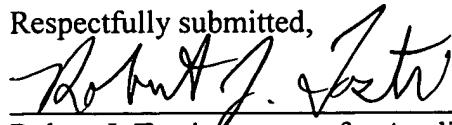
In response to the "Notice to File Missing Parts of Nonprovisional Application" mailed from the Patent Office on March 22, 2000, applicants enclose herewith:

- (1) an executed small entity statement;
- (2) a check for \$575.00 to cover the filing fee and the late filing fee/declaration surcharge for a small entity;
- (3) an executed declaration; and
- (4) a copy of the Notice to File Missing Parts of Nonprovisional Application.

Also, applicants request correction of the Filing Receipt (copy enclosed) to (1) correct the name of one of the inventors from "J. Michael Mulvaney" to correct his name which is --James M. Mulvaney--, and (2) remove "Dr." from Mr. Hawkey's name.

Applicants submit that no extension-of-time is required for this response and request, as it is being filed by first-class mail before the initial response deadline of May 22, 2000. If, however, any extension-of-time is required to have this response entered and considered, please consider this a conditional petition for the proper extension-of-time and a conditional authorization to charge our Deposit Account No. 20-0531 for the proper fee associated with the extension-of-time. Also, if any fee due with this response and request is not covered by the check(s) enclosed herewith, please consider this a conditional authorization to charge our Deposit Account No. 20-0531 for the fee.

Respectfully submitted,

  
\_\_\_\_\_  
Robert J. Tosti, Attorney for Applicants  
Testa, Hurwitz, & Thibeault, LLP  
High Street Tower, 125 High Street  
Boston, Massachusetts 02110

Date: April 28, 2000  
Reg. No. 35,393

Tel.: (617) 248-7374  
Fax: (617) 248-7100  
A989368-1

## FORMALITIES LETTER

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark OfficeAddress: COMMISSIONER OF PATENT AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/479,982	01/10/2000	Marcel P.J. Gaudreau	DVS-007(2516/8)

TESTA HURWITZ & THIBEAULT  
HIGH STREET TOWER  
125 HIGH STREET  
BOSTON, MA 02110



Date Mailed: 03/22/2000

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

## FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 690 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$330.
  - \$252 for 14 total claims over 20.
  - \$78 for 1 independent claims over 3 .
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- Small Entity Statement is unsigned.
- The balance due by applicant is \$ 1150.**

*A copy of this notice MUST be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

05/03/2000 KZENDIE 00000019 09479982

345.00
39.00
126.00
65.00

01 FC-201
02 FC-202
03 FC-203
04 FC-205

**COPY****FILING RECEIPT**

\*OC00000005002213\*


**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

 Address: ASSISTANT SECRETARY AND  
COMMISSIONER OF PATENT AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/479,982	01/10/2000	2817	0	DVS-007(2516/8)	8	34	4

TESTA HURWITZ & THIBEAULT  
HIGH STREET TOWER  
125 HIGH STREET  
BOSTON, MA 02110

**RECEIVED**

MAR 27 2000 P.M.

PATENT DEPARTMENT  
TESTA, HURWITZ & THIBEAULT

Date Mailed: 03/22/2000

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

Marcel P.J. Gaudreau, Lexington, MA ;  
Michael A. Kempkes, Westford, MA ;  
~~✓ Timothy J. Hawkey, Lincoln, MA ;~~  
Jeffrey Casey, Winchester, MA ;  
~~J. Michael Mulvaney, Southborough, MA ;~~  
Peter A. Dandridge, Lynn, MA ;

James M. Mulvaney

**Continuing Data as Claimed by Applicant****Foreign Applications**

If Required, Foreign Filing License Granted 03/21/2000

**Title**

High power modulator

**Preliminary Class**

332

*COPY*

Date: 03/22/2000

Data entry by : SMITH, KAREN

Team : OIPE



**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 36 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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